

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

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OFFICE OF PETITIONS

APPLICANT: Lorrence H. Green
SERIAL NO.: 09/846,687
FILED: May 1, 2001
FOR: Method and Vaccine for the Prevention of AIDS
GAU: 1646



Attention: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW THE NOTICE OF ABANDONMENT

Applicant Made a Timely Reply To The Notice To File Missing Parts

The Applicant timely mailed a Notice to File Missing Parts Issued on July 6, 2001 on December 6, 2001. Included in this response was a:

1. Check in the amount of \$937 to cover the filing fee and extension of time.
2. A copy of the "Notice to File Missing Parts of Application – Filing Date Granted."
3. Declaration and Power of Attorney of Inventor
4. Request for Extension of Time.
5. Sequence Listing

Applicant paid the \$937 check for application 09/846,687 on December 6, 2001 with

Office Action Response to the correspondence mailed on December 6, 2001. Applicant also never received a Notice of Abandonment by the PTO. However, the check was presented for payment on January 25, 2002, see attached. Thus, the PTO received the Response including the filing fee and the Missing Parts. The fee was accompanied by a Transmittal and a Certificate of Mailing dated December 6, 2001 which serves as sufficient evidence under 37 CFR § 1.8(b) to demonstrate that the required fees were paid and any failure to respond was unintentional.

Conclusion

For the foregoing reasons Applicant asserts that there was a timely filed Response to the Notice to File Missing Parts and requests the Application 09/846,687 be revived.

Respectfully submitted,



Thomas A. O'Rourke
Reg. No. 27,665
Bodner & O'Rourke
425 Broadhollow Road
Melville, New York 11747
(631) 423-2700

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

Date of Deposit: October 29, 2003

Print Name: Thomas A. O'Rourke

Signature: *Thomas A. O'Rourke*